

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 685 – SB 1067

April 9, 2013

SUMMARY OF ORIGINAL BILL: Directs that a judgment or decree shall not bind the equitable interest of real estate or other real property until an abstract of the judgment or decree is registered with the register's office.

Provides that any abstract of a judgment or decree must have the contents required in Tenn. Code Ann. § 25-5-108.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006648): Deletes all language after the enacting clause and rewrites the bill so as to provide a procedure for making a lien holder liable for court costs and attorney fees for wrongfully refusing to release a lien that was improperly filed against real property.

Upon written request, a lien holder that obtains the lien against real property has 10 days to record a proper release of the lien if the property owner is not the person against whom the judgment, decree or other attachments, orders, injunctions, and other writs were entered.

If the lien holder does not record the release within 10 days, then the lien holder may be liable to the party requesting the release for all reasonably expenses, attorney's fees, and the court costs incurred in the action.

The bill does not apply to a licensed attorney who prepares a document covered by the bill in the course of representing a client.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

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Assumption for the bill as amended:

- According to the Administrative Office of the Courts, the bill will not have a significant impact on the courts' caseloads. Any impact can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Lucian D. Geise", with a small "KMD" written below the end of the signature.

Lucian D. Geise, Executive Director

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